REMARKS

An Office Action was mailed on September 30, 2004. Claims 1 – 3 are currently pending in the application. With this response, Applicant cancels claim 3 without prejudice or disclaimer, amends claims 1 and 2, and adds new claim 4. No new matter is introduced. Support for the claim amendments may be found, for example, with reference to Applicant's FIG. 3 and page 7, line 24 through page 10, line 10 of Applicant's specification.

REJECTION UNDER 35 U.S.C. § 112

Claims 2 and 3 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner finds that claim 2 fails to clarify where information for decryption is included, and finds that claim 3 is indefinite by virtue of claiming only a single means. Applicant cancels claim 3 without prejudice or disclaimer. In addition, Applicant amends claim 2 to clarify that a decrypting method and key information are recorded in "an area where a program for controlling operation of the information processor is recorded". Accordingly, Applicant submits that amended claim 2 is not indefinite, and respectfully requests that the rejection be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,563,947 to Kikinis. Claims 2 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,587,948 to Inazawa.

Kikinis discloses a CD-PROM disk which can be managed by selectively encoding binary digital decryption keys onto a separate data areas of a disk (see, e.g., abstract of Kikinis).

Unlike Applicants' invention, Kikinis fails to teach or suggest that the information required for decrypting includes both a decrypting method and key information (see, e.g., FIG. 5 of Kikinis).

Inazawa discloses a recording apparatus that encrypts and records digital data, and selectively records scrambling identification data and key data so that this data is delimited by marks or spaces with predetermined shapes and timing and recorded in a lead-in area of a disk (see, e.g., column 5, lines 19 – 50 of Inazawa). The predetermined shapes and timing make it difficult to decode the scrambling identification data and key data in the lead-in area. In sharp contract, Applicant' claimed medium records a decrypting method and key information for a sound data file in a program area of the disk. Because the program area is very large, detection of the decrypting method and key information is difficult (see, e.g., page 10, lines 7 – 10 of Applicant's specification). Accordingly, Applicant's claimed invention eliminates the need for a complex demodulation scheme for determining the scrambling identification data and key data as is taught by Inazawa.

Accordingly, Applicant respectfully submits that amended independent claim 1 is not anticipated by anticipated by Kikinis, and that amended independent claim 2 is not anticipated by Inazawa. Accordingly, Applicant submits that amended independent claims 1 and 2 are allowable. As new claim 4 depends from allowable claim 2, Applicant further submits that new claim 4 is also allowable for at least this reason.

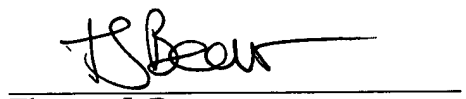
CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1, 2 and 4, including independent claims 1 and 2, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not

to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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